

# **CALFRESH (CF) PROGRAM** **REQUEST FOR POLICY/REGULATION INTERPRETATION**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

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|---|--|---|--------------------|
| 1. RESPONSE NEEDED DUE TO:  |  | 5. DATE OF REQUEST:   | NEED RESPONSE BY:  |
| <input checked="" type="checkbox"/> Policy/Regulation Interpretation<br><input type="checkbox"/> QC<br><input type="checkbox"/> Fair Hearing<br><input type="checkbox"/> Other:   |  | August 30, 2012   | September 14, 2012 |
| 2. REQUESTOR NAME:  |  | 6. COUNTY/ORGANIZATION:   |                    |
| 3. PHONE NO.:   |  | CDSS State Hearing Division   |                    |
| 4. REGULATION CITE(S):  |  | 7. SUBJECT:   |                    |
| MPP 63-402.229(a)   |  | Drug Felony Proposed Decision   |                    |
| 9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):  |  | 8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)                            |                    |
| <p>The County denied the claimant's CF application based on the fact that the claimant was convicted of an ATTEMPT to possess with the intent to deliver a controlled substance.</p> <p>At the hearing the county testified that it does not distinguish between a conviction for an attempt to possess and a conviction for actual possession. I was not able to find any clarification in the regs or ACL's.</p> <p>Is the fact that the claimant was not convicted of possession with intent to deliver but instead convicted of an attempt to possess with intent to deliver enough to grant the claim and order the county to process her application?</p> |  | NOTE: All requests must have a regulation cite(s) and/or a reference(s).<br>MPP 63.402.229(a) |                    |

10. REQUESTOR'S PROPOSED ANSWER:

See attached proposed decision.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

A felony conviction of ATTEMPT to possess and transport controlled substances is not specifically addressed in MPP 63-402.229(a) because attempt is neither a qualifying drug felony of possession for personal use nor a disqualifying drug felony under the waiver from AB 1796, Chapter 932, Statutes of 2004 and ACL 04-59.

Since attempt to possess and transport controlled substances is equivalent to possession and transport, this is not a disqualifying drug felony under MPP 63-402.229(a), it does not disqualify the claimant from the program. The state is in agreement with the hearing conclusion, the claimant is not ineligible and the county is to complete the CalFresh application process.

## **FOR CDSS USE**

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| DATE RECEIVED: | DATE RESPONDED TO COUNTY/ALJ: |
|----------------|-------------------------------|